

Remarks

The instant Office Action dated October 22, 2007 listed the following rejections: claims 1, 3 and 4 stand rejected under 35 U.S.C. § 103(a) over the Slavenburg reference (U.S. Patent No. 6,122,722) in view of the Martonosi reference (U.S. Patent No. 6,745,336); and claims 2 and 5-7 stand rejected under 35 U.S.C. § 103(a) over the Slavenburg and Martonosi references in further view of the Fisher reference (U.S. Patent No. 6,026,479).

Applicant respectfully traverses the § 103(a) rejections of claims 1-7 (each of which is based upon the Slavenburg and Martonosi references) because the cited combination does not correspond to claims invention which includes, for example, aspects directed to a first set of issue slots that have holdable registers on the multiple data path output paths of the input routing networks and a second set of issue slots that have holdable registers on the single data input path of the input routing networks. The Office Action acknowledges that the neither the Slavenburg nor the Martonosi reference teaches corresponding first and second sets of issue slots. For example, the Slavenburg reference does not teach any holdable registers (*see e.g.*, Figure 4) and the Martonosi reference fails to teach sets of issues slots that have different placements of holdable registers (*see e.g.*, Figure 4). In an attempt to address these deficiencies, the Office Action erroneously asserts that the placement of the holdable registers “is purely a matter of design choice.” According to M.P.E.P. § 2144.04(VI)(C), “The mere fact that a worker in the art could rearrange the parts of the reference device to meet the terms of the claims on appeal is not by itself sufficient to support a finding of obviousness. The prior art must provide a motivation or reason for the worker in the art, without the benefit of appellant’s specification, to make the necessary changes in the reference device.” *Ex parte Chicago Rawhide Mfg. Co.*, 223 USPQ 351, 353 (Bd. Pat. App. & Inter. 1984). In this instance, the Office Action fails to provide any reason why the skilled artisan would place Martonosi’s latches 30-36 between Slavenburg’s register file 403 and switching matrix 401.

Moreover, the cases discussed in MPEP § 2144.04(VI)(C) regarding when the rearrangement of parts is simply a matter of design choice concern instances in which such rearrangement of parts would not have modified the operation of the device. In contrast, Applicant’s specification indicates that the difference between the placement of the holdable

registers in the first set of issue slots and the placement of the holdable registers in the second set of issue slots results in the first and second sets having different operational characteristics. *See e.g.*, Paragraphs 0018 and 0020. For example, the first set of issue slots (*see, e.g.*, Figure 2) decreases power consumption but increases the amount of state that has to be saved during an interrupt, whereas the second set of issue slots (*see, e.g.*, Figure 2) decreases the amount of state that has to be saved during an interrupt but has increased power consumption relative to the first set. Thus, Applicant submits that the placement of the holdable registers is not “purely a matter of design choice” because the placement of the holdable register changes the operation of the issue slots.

Applicant respectfully submits that the Office Action has not cited to any reference that teaches having two sets of issue slots that have different placements of holdable registers as in the claimed invention. Instead the Office Action has merely identified elements from the Slavenburg and Martonosi references and appears to be improperly arranging these elements, based on an erroneous application of “design choice,” in the manner taught by Applicant’s disclosure. *See, e.g.*, M.P.E.P. § 2145.


In view of the above, the cited combination does not correspond to the claimed invention. Accordingly, the § 103(a) rejections of claims 1-7 are improper and Applicant requests that they be withdrawn.

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, David Cordeiro, of NXP Corporation at (408) 474-9063 (or the undersigned).

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